

Court Clerk

Dear Clerk,

CV 08 2988

SI

(PR)

I'm writing in hopes of getting a continuance on my writ of Habeas Corpus. We're having a lot of problems getting to the Law Library. I was scheduled again to ride, or rather on 4-10-08 I'm enclosing the ducat. I told the Correctional Officer I had a deadline time limit, but he stated he didn't care, that he didn't have time to escort us to the Law Library that he needed to go to the snack bar to get some food. I'm enclosing the ducat, we are on lock down here at Kern Valley State Prison A-yard. I appreciate your time and consideration in this matter very much.

Thank you!
Respectfully yours
John K. Dumas
JC16555 A. 4-215
Kern Valley State Prison

RECEIVED
CLERK
NORTH
JUN 17 2008
U.S. DISTRICT COURT
NORTH

6-5-08

Dear Clerk,

CV 08

2988

SI

Bello, I'm writing you to apologize for the delay in getting my writ sent to your court. (PR)
The Counselor A. Smith has purposely delayed my writ in being sent to you. The first time she came to me with the trust office statements that I needed I asked her to please wait one day and I'd have all my copies ready. She said no that she was sending the statements back to the trust office. Well the next day I asked her if she could get them back but she had gone on vacation. I wrote and filed a 602 appeal to the trust office and they didn't answer for over 3 weeks and stated they never received the 602.

I filed 2 more times since then and it's been almost 2 months now and to this date 6-5-08 I have still not heard from the trust office. These state prison employees enjoy purposely delaying our legal work. I apologize for the delay.

Thank you!
Respectfully yours
Jelm K. Simas
C16555 K.U.S.P.

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM
FORMA PARA APELACIÓN DE
REOS/LIBERTADOS CON CONDICIONES
 CDC 602-B (3/93)

LOCATION: FACILITY / PAROLE REGION

LOG NO.

DEPARTMENT OF CORRECTIONS
CATEGORY

1.

1.

2.

2.

Page 1

Usted puede apelar cualquier póliza, acción o decisión que tenga un efecto diverso afecto para usted. Con la excepción de CDC 115e Serios, acciones del comité de clasificaciones, y decisiones de clasificación u oficiales representantes, primero tiene que informalmente buscar ayuda por medio de discusiones con el oficial apropiado, quien firmara su forma e indicara que accion fue tomado. Si entonces no está satisfecho, puede enviar su apelación junto con todo documento soportivo y no más de una página adicional con comentarios al Coordinador de Apelaciones dentro de quince días de la acción tomada. Ninguna represalia se tomará por responsablemente usar el procedimiento de apelaciones.

NOMBRE (NAME)

NUMERO (NUMBER)

ASIGNACION (ASSIGNMENT)

UNIDA Y NO DE CUARTO (UNIT/ROOM NUMBER)

Dumlar John

116555

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A-4-215

A. DESCRIBA EL PROBLEMA (DESCRIBE PROBLEM)

I've sent numerous Request AND A 602 to your office requesting that you send the litigation forms to my Counselor A. Smith so I could mail out my writ to the Federal Court. Due to your not sending it to me my deadline is just about up. I need it sent soon as possible and I need you to answer this 602 so I can send it also to the court.

Si necesita más espacio, adjunte una oja adicional. (If you need more space, attach one additional sheet.)

B. ACCIÓN SOLICITADA (ACTION REQUESTED)

I need you to send the litigation papers to Counselor A. Smith again so I can mail my writ to the Federal Court. I've sent a 602 and numerous Request to you for 30 days to no avail.

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE / PAROLEE'S SIGNATURE)

FECHA SOMETIDA (DATE SUBMITTED)

John K. Dumlar

5-20-08

C. NIVEL INFORMAL (INFORMAL LEVEL)

Fecha Recibida (Date Received) 5/22/08

RESPUESTA DEL EMPLEADO (STAFF RESPONSE)

Your informal response was processed on 5/1/08. You were not replied & you declined to send. They were returned to litigation & destroyed. No one holds on to paperwork. not needed. In order to get an informal response processed you must resubmit to me. I have no other forms from you to process. Please read the attached informal response info sheet. Your 602 appeal is denied.

FIRMA DEL EMPLEADO (STAFF SIGNATURE)

FECHA DEVUELTA AL REO (DATE RETURNED TO INMATE)

T. Scruggs, Accounting

5/22/08

D. NIVEL FORMAL (FORMAL LEVEL)

Si no esta satisfecho, explique debajo, adjunte documentos soportivos (CDC 115 completo, Reporte del Investigador, Informe de Clasificación, CDC 128, etc.) y sométalos al Coordinador de Apelaciones de la Facilidad/Región de Libertad Condicional para procesar dentro de 15 días de recibir la respuesta. (If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the facility/parole region appeals coordinator for processing within 15 days of receipt of response.)

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE / PAROLEE'S SIGNATURE)

FECHA SOMETIDA (DATE SUBMITTED)

C.C. Court AND Prison Law Office

CDC APPEAL NUMBER:

NOTA: APELACIONES DE PROPIEDAD/FONDOS TIENEN QUE SER ENVIADAS JUNTO CON UNA FORMA COMPLETA DEL BOARD OF CONTROL BC-1B, EQUITY CLAIM.

5-12-08

Counselor A. Smith

Well, could you please get ahold of the litigation papers that I need from the trust office again so I can mail out my Federal writ to the Federal Court in San Francisco. I have it ready to mail out. We wrote the trust office and you for the past couple weeks to no avail.

Thank you!
Respectfully yours
John K. Dunbar
C/6555 A-4-215

5-12-08
Monday

5/19/08

EXHIBIT "15"

You need to write litigations and let them know to re-send those papers to you.

Smith, CCI

IN-FORMA PAUPERIS INFORMATION

In December 1998, the Federal Courts provided information to CDCR, regarding In-Forma Paperis filings. Specifically the courts were receiving lawsuit complaints and certified trust account statements separately. This caused a significant problem for the court clerks and most were being returned to the inmate without action. Therefore numerous complaints by inmates regarding their failed attempts to file were also being received by CDCR and the courts. In response to the courts requests and inmate complaints the legal affairs division directed that the following process be utilized for processing In-Forma Pauperis requests.

PURPOSE

- ◆ The inmate will not have access to the original certified trust account statement.
- ◆ The inmate's legal documents and trust account statement will be mailed together in order to arrive together at the court.

PROCESS

- ◆ The inmate sends his request/application to the Trust Office.
- ◆ The Trust Office completes the trust withdrawal forms and provides any required attachments, along with a non-certified copy for the inmate. This and the original documents are forwarded to the Litigation Office.
- ◆ The Litigation Office logs the documents and forwards them to the inmate's assigned Correctional Counselor for processing with the inmate.
- ◆ The Counselor advises the Inmate of Receipt and determines if the inmate is ready to process the documents to the court. The inmate prepares and provides the envelope containing the documents and addressed to the court to the counselor, who in the presence of the inmate inserts the certified forms, seals the envelope, and processes it out of the institution as legal mail by placing it in the units legal mail bag. No additional copies will be provided. The Counselor does not review the documents being mailed.
- ◆ The Counselor completes the Litigation route slip. Counselor and inmate will sign 128B.
- ◆ If the Inmate does not have his court documents ready to mail, the Counselor will attempt to complete the procedure one or two days later. If the inmate still is not ready or refuses to follow the procedure, the attempt of service will be documented on the route slip and all documents will be returned to the Litigation Office where they will be recorded and destroyed. The Counselor will advise the inmate that when he is ready to proceed, he must re-initiate the process by completing a subsequent application/request. Litigations will not maintain the original certified accounting statement or applications.
- ◆ The inmate does not require additional copies of the actual certified trust account statement. However does receive a copy of the non-certified trust account statement at the time he processes the documents with his assigned counselor.

Due to the aforementioned guidelines being implemented at the direction of CDCR Legal Affairs, there will be no modification of this process. This process is not to hinder access, but to assist inmates and the courts by ensuring filing is complete when received by the court. Please direct any concerns with this process in writing to the Institutions Litigations Office.

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM
FORMA PARA APELACIÓN DE
REOS/LIBERTADOS CON CONDICIONES
 CDC 602-B (3/93)

LOCATION: FACILITY / PAROLE REGION

LOG NO.

DEPARTMENT OF CORRECTIONS
CATEGORY

1.

1.

2.

2.

Page 1

Usted puede apelar cualquier póliza, acción o decisión cual tenga significativo adverso afecto para usted. Con la excepción de CDC 115es Serios, acciones del comité de clasificaciones, y decisiones de clasificación u oficiales representantes, primero tiene que informalmente buscar ayuda por medio de discusiones con el oficial apropiado, quien firmara su forma e indicara que accion fue tomado. Si entonces no está satisfecho, puede enviar su apelación junto con todo documento soportivo y no más de una página adicional con comentarios al Coordinador de Apelaciones dentro de quince días de la acción tomada. Ninguna represalia se tomará por responsablemente usar el procedimiento de apelaciones.

NOMBRE (NAME)

NUMERO (NUMBER)

ASIGNACION (ASSIGNMENT)

UNIDA Y NO DE CUARTO (UNIT/ROOM NUMBER)

DUMLAO, John

C16555

—

A-4-215

A. DESCRIBA EL PROBLEMA (DESCRIBE PROBLEM)

I have A writ of Habeas Corpus I need to mot
 out to the federal courts AND I have a deadline
 so could you please

Kern Valley State Prison
 Facility A, Building 4

Si necesita más espacio, adjunte una oja adicional. (If you need more space, attach one additional sheet.)

B. ACCIÓN SOLICITADA (ACTION REQUESTED)

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE / PAROLEE'S SIGNATURE)

FECHA SOMETIDA (DATE SUBMITTED)

John K. Dumlaos

5-22-08

C. NIVEL INFORMAL (INFORMAL LEVEL)

Fecha Recibida (Date Received)

RESPUESTA DEL EMPLEADO (STAFF RESPONSE)

FIRMA DEL EMPLEADO (STAFF SIGNATURE)

FECHA DEVUELTA AL REO (DATE RETURNED TO INMATE)

D. NIVEL FORMAL (FORMAL LEVEL)

Si no esta satisfecho, explique debajo, adjunte documentos soportivos (CDC 115 completo, Reporte del Investigador, Informe de Clasificación, CDC 128, etc.) y sométalos al Coordinador de Apelaciones de la Facilidat/Región de Libertad Condicional para procesar dentro de 15 días de recibir la respuesta. (If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the facility/parole region appeals coordinator for processing within 15 days of receipt of response.)

FIRMA DEL REO / LIBERTADO CON CONDICIONES (INMATE / PAROLEE'S SIGNATURE)

FECHA SOMETIDA (DATE SUBMITTED)

NOTA: APELACIONES DE PROPIEDAD/FONDOS TIENEN
 QUE SER ENVIADAS JUNTO CON UNA FORMA COMPLETA
 DEL BOARD OF CONTROL BC-1B, EQUITY CLAIM.

CDC APPEAL NUMBER:

lower class population especially the illiterate and the poor who could not bribe their way to freedom.

With the passage of the Black Act in 1723, an already voluminous list of death penalties was expanded to include such crimes as poaching fish, damaging trees, stealing a silver spoon and appearing disguised in a game preserve. However, kidnapping was not among the offenses because it had become a lucrative trade in England because of the need for slave labor on the plantations of the American south.

A good example of the failure of coercion in a feudal system of government was the rise of the religious group called Quakers brought about by an oppressed people. Quakerism began around 1650, which later became one of the primary forces for religious freedom and for prison reform in America. Its founder, uneducated George Fox, spent much of his time locked up for his beliefs. Fox echoed the voice of Chrysostom heard 1300 years earlier, which relied heavily on direct communication with the spirit world. It was in prison that Fox convinced many others to follow his beliefs. They called themselves Friends but were to become known as Quakers because they quaked and shook from zeal as they spoke the direct knowledge from the spirit world. The early Friends gathered for worship with no liturgy or other prearrangement save an agreed time and place, with no specially appointed person to lead the worship. The responsibilities rested on each worshiper as they gathered in silent expectancy.

Quakerism spread with astonishing speed in almost every county of England, despite severe repression. The more they were imprisoned, the stronger their resolve and the more converts they gained. The more members they attracted, the more threatening they were considered to the crown and the more of them were imprisoned. The more they were imprisoned the more converts they made. Thus prisons became their primary meeting place and supplier of new members. Fox himself was frequently shifted from one prison to another and often released because he was more of a threat inside than out. But the more he and his supporters were mistreated, the more they thrived.

Early America Quakers believed the individual could be reformed from his errant ways if given a place of solitude where he had an opportunity to hear the voice of Christ firsthand and do penance. The Quakers

were repelled by the bloody methods of corporal punishment and sought another method of handling the convicted. Hard labor in workhouses became the first true prisons established in human history. West Jersey setup such a system in 1681 and Pennsylvania in 1682. The British government forced the abandonment of this humanitarian innovation, and in 1718 even the colony of Pennsylvania reverted to the usual practices of corporal punishment.

This country, America, was established on the principle of slavery. Some of the slaves who escaped the death penalty were sent to this country.

Now, ninety-five percent of the men and women in prison in this country are made up of blacks, Mexicans and poor whites. Both church and state are leading a conspiracy to train the public to fear criminals and see them as a species apart from the law abiding citizen. With the insane law "three strikes you're out" men and women who are sent to prison at age 25 will be released when they are 50 years old with no education and little chance to be welcomed back into society. ♦

THE BROKEN 602 SYSTEM: WORK IT

By J. Thomas

My Brotha's as most of you know, prisoners must exhaust administrative remedies by filing a 602 to all three levels pursuant to the PLP (1996) (42u.s.d.c 1997 e (a), before filing a lawsuit.

But there are ways around this when prison officials don't process or answer your 602. Under the First Amendment you have a constitutional right to utilize the prison grievance system and if staff or administration retaliates in any way because you utilize the prison grievance system then they could be in violation of the Constitution.

Now I hope you're really taking notes because this is very helpful and useful law we can use it to stop the common misconduct by guards of delaying or disregarding, destroying our 602s. Also, if a prisoner can not file a grievance because he is unable to obtain a form then no administrative remedy is available, leaving open the possibility for a prisoner to file a complaint in court. Please see *Miller v. Norris* 247 f.3d 736 (8th cir.2001).

In a multi-step grievance system if staff fails to respond within the time limits established in the title 15, the prisoner must appeal to the next stage. (See *White v. McGinnis*, 131 f. 3d 593 (6th cir. 1997)). If you do not receive a response from Sacramento and the 60 working days have passed, then you have exhausted your appeal. (See *Powe v. Ennis*, 177 F3D 829 (7th CIR.2002)). When prison officials do not respond to an initial grievance, administrative remedies are exhausted, or when the appeals coordinator tells you no appeal is possible (See *Taylor v Barnett* 105 f. supp. 2d 483 (e.d. v2 2000)). Another case that can help if you have complied with the grievance procedure: *Nyhvis v. Reno*, 204 f.3de 65 (3d cir.2000)).

Now here is the other part concerning staff complaints or citizens complaints: per CCR 3391 employee conduct (b) you have 12 months to file your allegation of staff misconduct.

The best way to get fast results is to have a friend or family member file on your behalf. All you have to do is write your complaint and send it with a right and responsibility form (CDCR 1858). Have them sign it and send it to the warden. Per the (DOM 54100.25.3) citizens complaint by your people in the free world must be answered in 30 days. If dissatisfied, push the complaint to Sacramento. Never sign off unless you are getting what you want.

Lastly, it is always best to get the issue in the sun light (public) by sending your complaint to newspapers and other publications. If you have to sit down and re-write 15 copies (always keep a copy). Also send them to:

The Office of Internal Affairs
P. O. Box 30098
Sacramento, CA 95812

Office of Inspector General
P.O.Box 348780
Sacramento, CA 9583-8780

These places might not do anything, but they can't say they never received it. And if the guards really violate your rights, have your people file charges to the:

State Personnel Board
Merit Appeals Office
801 Capital Mall
Sacramento, CA 94244-2010

"They can only delay those who do know knowledge is power." ♦

State of California

CDC FORM 695

Screening For:

CDC 602 Inmate/Parolee Appeals

CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

May 15, 2008

DUMLAO, C16555

FAB400000000215U

Log Number: KVSP-O-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

This is a request for information; it is not an appeal. Use form GA-22, Inmate Request for Interview.



C. PFEIFFER / T. BILLINGS / D. TARNOFF

Appeal Coordinator

Kern Valley State Prison

I'm requesting an investigation of C Pfeiffer; that all his 602's be audited to show a pattern of abuse of the 602 system, and of denying 602's by this, this appeals coordinator who is being allowed to do a pathetic job. C Pfeiffer refuses to put log numbers on 602's no wonder the 602 system here is in chaos, Sacramento needs to look into this

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE

**INMATE/PAROLEE
APPEAL FORM**
CDC 802 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Dumlae John	C16555		A-4-265

A. Describe Problem

My 602 on a transfer and my 602 on my points that I sent to C. Pfeiffer has disappeared. I have sent request slips to C. Pfeiffer and no response, which I have the log number because C. Pfeiffer has a bad habit of not logging 602's. C. Pfeiffer is abusing his position and destroying the 602 system. I want to know where my 2 missing 602's are. C. Pfeiffer should be fired.

If you need more space, attach one additional sheet.

B. Action Requested

I want to know where my 2 missing 602's are that are missing the one on my transfer and the one on my points. I don't have log numbers cause C. Pfeiffer has a bad habit of not putting log numbers on them. He should be fired.

Inmate/Parolee Signature: _____

 Kern Valley State Prison
Facility A, Building 4

Date Submitted: _____

4-8-08

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

RECEIVED APR 11 2008

CDC Appeal Number: _____

Board of Control form BC-1E, Inmate Claim

RECEIVED MAY 12 2008

 c.e. Inmate
c.e. warden

5808

WARDEN Hedgcock

Hello, I'm writing you in regard again to C. Pfeiffer Appeals Coordinator. Pfeiffer has a Reputation among the inmate Population for derailing 602's why you've allowed Pfeiffer to remain in this position is a wonder. 602's are being derailed, Pfeiffer is abusing his position, and the 602 system. All of Pfeiffer's 602's need to be Audited so you can see Pfeiffer's History and Pattern of Abusing 602's.

Pfeiffer should be Reprimanded and or fired, At the least removed from his position, He's doing a Horrible Job and making a Mockery out of the 602 system. It's as though Pfeiffer sometimes doesn't even Read the 602's. Pfeiffer is Refusing to also Put Log numbers on 602's. Having Pfeiffer work in his position is a Joke and a Disgrace to the 602 system, I mean no Disrespect, it's just getting frustrating trying to get our 602's processed. Why nothing has been done is a wonder.

Thank you!
Respectfully yours
John K. Dumas
C16555

EXHIBIT "3"

(Circle one Race) B H W O

STATE OF CALIFORNIA
IA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 5-8-08	TO Pfeiffer Appeals Co.	FROM (LAST NAME) Dumlao	CDC NUMBER E16555
JOB NUMBER A-4-215	WORK ASSIGNMENT	JOB NUMBER FROM	TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)		ASSIGNMENT HOURS FROM	TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I'd like an interview with Pfeiffer Appeals Coordinator in regards to his horrible job he's doing derailing, and abusing the BOR system and his position.

Thank you!

INTERVIEWED BY	DATE
DISPOSITION	

5-8-08 C.C. Lumsden

State of California

CDC FORM 695

Screening For:

CDC 602 Inmate/Parolee Appeals

CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

April 21, 2008

DUMLAO, C16555

FAB400000000215U

Log Number: KVSP-O-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

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B. GRICEWICH / C. PFEIFFER / T. BILLINGS

Appeal Coordinator

Kern Valley State Prison

okay I'd like an interview by C. Pfeiffer
Appeals Coordinator in regards to ~~C. Pfeiffer~~
disregard, Abuse AND Derailing of 602's. Pfeiffer's
doing a horrible job AS an Appeals Coordinator.
Thank you, Dumlao
C16555

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE

U SAVE 'EM

Intradepartment Envelope

DO NOT SEAL THIS ENVELOPE

Dumlad John

C16555

A4 215